

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**UNITED STATES OF AMERICA,**

**AFFIDAVIT**

Plaintiff-Appellee, Docket 95-5152

-against-

**NATHANIEL DAWSON, JR.,**

Defendant-Appellant.

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Wesley M. Serra, being duly sworn, deposes and says:


1. I am a member of the firm Irom, Wittels, Freund, Berne & Serra, P.C. My office is located at 349 E. 149<sup>th</sup> Street, Bronx, NY 10451. I am admitted in New York State, the Second and Fourth Circuits, and the Southern and Eastern Districts of New York.

2. On January 20, 2012, I received an email from Patricia Connor, the Clerk of this Court, which attached certain documents and requested a reply to one of them – a two-page motion to recall this Court's mandate from the above Defendant-Appellant, Nathaniel Dawson Jr. I respectfully submit this affidavit pursuant to the Court's request.

3. I was retained to prosecute the above appeal, and briefed and argued it before this Court. Due to the passage of time – it has been nearly fourteen years since I had any contact with the matter – I remember little else. My office, like most, destroys files in the ordinary course after seven years; the file in this matter was so destroyed several years ago. I therefore have no records whatsoever from which to attempt to refresh my memory.

4. For these reasons, I regretfully have nothing to contribute to the Court.

Dated: January 26, 2012  
Bronx, New York

  
Wesley M. Serra

Sworn to before me this  
26<sup>th</sup> day of January, 2012.

  
Notary Public

MILTZA PEREZ  
Notary Public, State of New York  
No. 01PE4687229  
Qualified in Bronx County *2014*  
Commission Expires February 28, ~~2010~~